

S.B.Civil Writ Petition No.2222/2006
(Anil Kumar & Ors. vs. State of Rajasthan & Ors.)

Date of order : February 13, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.R.C.Joshi, for the petitioner.
Mr.Rameshwar Dave, Dy.G.A.

By an application being I.A. No.699/2007, the petitioners submit that the instant writ petition may be disposed of in the light of the decision of this Court in Hem Raj Bhavsar vs. State & Ors. (S.B.Civil Writ Petition No.5819/2005) and nine others decided on 9.3.2006 since the controversy involved in the instant writ petition is identical to that of Hem Raj Bhavsar vs. State & Ors. (supra).

Learned Deputy Government Advocate appearing for the State also submits that the controversy involved in the instant writ petition stands concluded by the decision of this Court in Hem Raj Bhavsar vs. State & Ors. (supra) decided on 9.3.2006. This Court in Hem Raj Bhavsar vs. State & Ors. (supra) held as under:

“In my view, instead of going into the controversy on technical legal aspect,

Annex.15 filed in writ No.5819 provides sufficient indication, that the State Government (the Board of Revenue) is contemplating to effect transfer of only such Patwaris from the Revenue Department to Irrigation Department, who are willing to go to the Irrigation Department, and to have their lean transferred in the Irrigation Department. If that is done, the grievance would not survive to the petitioners. In that view of the matter, the writ petitions are finally disposed of, with a direction, that instead of effecting transfers by the impugned orders, action may be taken in accordance with, and in furtherance of Annex.15 only. It is also directed, that the cases of the persons, whose transfers have been carried out, be also reconsidered in the light of, and in accordance with, Annex.15."

The writ petition is, therefore, disposed of in terms of the order dt. 9.3.2006 passed in S.B.Civil Writ Petition No.5819/2005, Hem Raj Bhavsar vs. State & Ors.

Application being I.A. No.699/2007 is also stands disposed of. There shall be no order as to costs.

(H.R.PANWAR),J.

m.asif/-